

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOMINIC V. DiMODICA,)
v.)
ROBERT MURPHY, KATHLEEN)
DENNEHY, and the MASSACHUSETTS)
DEPARTMENT OF CORRECTION,)
Defendants.)

Plaintiff,)

) Civil Action No. 05-10286-PBS
)

**JOINT MOTION TO EXTEND THE TIME
FOR PLAINTIFF TO AMEND THE COMPLAINT**

The parties respectfully request that the Court extend the time in which Plaintiff, Dominic V. DiModica (“Plaintiff”), must amend his complaint. In support of this Motion, the parties state as follows:

1. On October 20, 2005, Plaintiff’s and Defendants’ counsel met to discuss this matter in an effort to narrow the issues. Plaintiff’s Court-appointed *guardian ad litem* also participated in this meeting.
2. After a lengthy discussion, the parties agreed that, in order to further narrow the potential issues and claims in this case, Plaintiff should undergo a full neurological evaluation. The parties believe that such an evaluation will assist in determining the type and method of treatment that Plaintiff may need, if any.
3. The deadline for Plaintiff to amend the Complaint is October 31.
4. The parties agree that it is a better use of their time and resources, as well as the Court’s, to have Plaintiff evaluated before Plaintiff files an amended complaint.

5. There is a status conference scheduled in this matter on November 3 at 3:30 p.m.

At that time, the parties intend to further discuss their agreement with the Court.

WHEREFORE the parties respectfully request that the Court allow their joint motion to extend the time for Plaintiff to amend the Complaint.

Respectfully submitted,

DOMINIC V. DiMODICA,

By his attorney,

/s/ Jennifer A. Serafyn
Jennifer A. Serafyn (BBO #653739)
Seyfarth Shaw LLP
World Trade Center East
Two Seaport Lane, Suite 300
Boston, MA 02210-2028
(617) 946-4800

Dated: October 31, 2005

ROBERT MURPHY, KATHLEEN
DENNEHY, and the MASSACHUSETTS
DEPARTMENT OF CORRECTION,

By their attorneys,

/s/ Mary P. Murray
Mary P. Murray (BBO #555215)
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Massachusetts Treatment Center
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Dated: October 31, 2005